IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1494 of 2005

Between:

M. Mallaiah, S/o Sangaiah,
Zaheerabad Depot, Medak District.

..... PETITIONER

AND

1 The APSRTC, rep. by its Vice Chairman & Managing Director,
APSRTC, Musheerabad,Hyderabad.
2 The Divisional Manager, APSRTC, Medak Division, Sangareddy, Medak

District.
3 The Depot Manger, APSRTC, Zaheerabad Depot, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in recovering the value of the block of tickets from the salary of the petitioner as arbitrary and illegal and consequently direct the respondents to reimburse that amount with 18% of interest.

Counsel for the Petitioner: MR.B.H.R.CHOWDARY

Counsel for the Respondents: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court made the following :

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ORDER:

The writ petition is filed seeking a writ of Mandamus to declare the action of the respondents in recovering the value of the block of tickets from the salary of the petitioner, as arbitrary and illegal and consequently to direct the respondents to reimburse that amount with 18% of interest.

The present impugned order is passed ordering recovery of Rs.2,000/- from the petitioner's salary @ Rs.200/- per month for missing of the block of tickets of denomination Rs.20/-.

In a decision reported in CH.P.REDDY v. APSRTC, HYDERABAD a single Judge of this Court after perusing the Regulation 8 (v) of the CCA Regulations held that if the Corporation faces a pecuniary loss by an employee's negligence the amount lost by the Corporation can be recovered wholly or partly. In no case, an amount more than the amount, which was lost by the corporation, can be recovered from the negligent official. Therefore, clause (v) of Regulation 8 also does not permit the Corporation to impose a penalty, which is more than the amount of the loss the Corporation has suffered.

Admittedly, in the case on hand, instead of recovering the amount, which actually respondents-corporation lost because of the negligence of the petitioner, the entire value of the block of tickets i.e., Rs.2,000/- has been ordered to be recovered from the salary of the petitioner from 01-04-2001, which is against to the regulation 8 (v) of the CCA Regulations.

Therefore, following the above judgment, the writ petition is allowed and impugned order is quashed, but at the same time it is directed that if any amount has been recovered from the petitioner, the respondents shall retain the amount which actually they lost because of the negligence of the petitioner, the balance shall be paid back to the petitioner and if the amount is not recovered so far, the amount be

recovered from the petitioner only towards the actual cost of printing value and the stationery.

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K.C.BHANU, J.

Dated 04-02-2005.

SKMR

..... REGISTRAR

To

1 The APSRTC, Vice Chairman & Managing Director,
APSRTC, Musheerabad, Hyderabad.
2 The Divisional Manager, APSRTC, Medak Division, Sangareddy, Medak

District.
3 The Depot Manger, APSRTC, Zaheerabad Depot, Medak District.

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